

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**Eric J. Benjamin, et al.**

Confirmation No.: 7245

Application No.: 10/820,215

Group Art Unit: 1624

Filing Date: April 7, 2004

Examiner: Brenda Libby Coleman

For: **Pharmaceutical Compositions for Intranasal Administration of [2-(8,9-dioxo-2,6-diazabicyclo[5.2.0]non-1(7)-en-2-yl)alkyl] Phosphonic Acid and Derivatives and Methods of Use Thereof**

Mail Stop Appeal Brief -- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

NOTED

/B.C./ 01/30/2009

## APPELLANTS' REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Appellants submit this Reply in response to the Examiner's Answer dated October 10, 2007 in connection with the above-identified application.<sup>1</sup> This reply is being filed within two months of the Examiner's Answer dated October 10, 2007. An Appeal Brief was timely filed on May 21, 2007 in support of Appellants' appeal from the final rejection of claims 1 to 56 mailed November 22, 2006. A Notice of Appeal was timely filed on March 21, 2007. Appellants are submitting herewith a Request for Oral Arguments and requisite fee.

---

<sup>1</sup>A first Examiner's Answer was issued on September 6, 2007. However, a second, revised Examiner's Answer dated October 10, 2007 was then issued on October 10, 2007. This Reply Brief addresses the issues raised in these documents.